

## REMARKS

In the patent application, claims 1-32 are pending. In the office action, claims 1-7 and 10-30 are rejected, and claims 8-9 are objected to but would be allowable if rewritten in independent form.

At section 2, subsection a, of the office action, the specification and drawings are rejected of the informalities. Applicant has replaced Figure 1 and Figure 2 with replacement sheets, designating Figure 1 and 2 by a legend "Prior Art" as suggested by the Examiner. Applicant has also amended the specification, p.3, to replace the typographic error --Abing=artifact-- with --"bing" artifact --. No new matter has been introduced.

At section 2, subsection b, the phrase "based on of" in claim 4 appears to be "based on". Applicant has amended claim 4 accordingly.

At section 2, subsection c, the Examiner states that some limitation in claim 6 lacks antecedent basis in the specification. Applicant has canceled claim 6.

At section 2, subsection d, the Examiner states that the limitation "wherein the second long-term prediction lag values include a last long-term prediction lag value and the second long-term prediction gain values include a last long-term gain value" in claims 1, 5, 11, 16, 21 and 26 lacks antecedent basis in the specification basis. Applicant has amended claims 1, 11, 16, 21 and 26 to delete that phrase, and canceled claim 5.

At section 4, claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shoham* (U.S. Patent No. 5,5699,485) in view of *Makinen et al.* (U.S. Patent Application 2002/0091523 A1, hereafter referred to as *Makinen*).

It is respectfully submitted that the secondary reference, *Makinen*, used by the Examiner in this 35 U.S.C. 103(a) rejection is owned by the same assignee as the present application. Also, the inventive entity is the same. Since the purported foundation for the rejection is apparently §§102(e)/103, the reference is not available under the foundation because both the fact that it is the same inventive entity (not "another" as required by §102(e)) and the fact of the "safe harbor" of §103(c) excluding commonly owned art under §102(e) (as well as (f) and (g)).

Withdrawal of the 35 U.S.C. 103 rejection of claims 1 and 2 is requested.

In the drawings:

Please replace Figure1 and Figure 2 with the enclosed replacement sheets.

At section 5, claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shoham* (U.S. Patent No. 5,569,485) in view of *Makinen*, and further in view of *Sasaki* (U.S. Patent No. 6,377,915 B1).

As with reasons regarding claims 1 and 2 above, the secondary reference, *Makinen*, used by the Examiner in this 35 U.S.C. 103(a) rejection is not available. Withdrawal of the 35 U.S.C. 103 rejection of claims 3 and 4 is requested.

At section 3, claims 11, 13, 15-16, 20-21, 23, 25, 26, 28 and 30 are rejected under U.S.C. 102(b) as being anticipated by *Shoham*.

Applicant has canceled claim 15, 20, 25 and 30. Applicant has also amended claims 11, 13, 16, 21, 23, 26 and 28 to include the limitation of claim 1. In particular, each of claims 11, 13, 16, 21, 23, 26 and 28 has the limitation of having a first means for determining whether the first long term prediction lag is within an upper limit and a lower limit, and a second means for replacing the first long-term prediction lag value in the partially corrupted frame with a third value when the first long-term prediction lag is outside the upper and lower limits, and retaining the first long-term prediction lag value in the partially corrupted frame when the first long-term prediction lag value is within the upper and lower limits. The cited *Shoham* reference does not have this feature.

For the above reasons, claims 11, 13, 16, 21, 23, 26 and 28 are distinguishable over the cited *Shoham* reference.

At section 6, claims 5-7 and 10 are rejected. Applicant has canceled claims 5-7 and 10.

At section 7, claims 12, 14, 17, 19, 22, 24, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shoham* in view of *Sasaki*.

It is respectfully submitted that claim 12, 14, 17, 19, 22, 24, 27 and 29 are dependent upon claims 11, 16, 21 and 26 and recite features not recited in claims 11, 16, 21 and 26. For reasons regarding claims 11, 16, 21 and 26 above, it is respectfully submitted that claims 12, 14, 17, 19, 22, 24, 27 and 29 are also distinguishable over the cited *Shoham* and *Sasaki* references.

At section 8, claims 8 and 9 are objected to but would be allowable if rewritten in independent form. Applicant has tentatively canceled claims 8 and 9.

As for claims 2-4, 12, 14, 19, 22, 24, 27 and 29, they are dependent from claims 1, 16, 21 and 26 and recite features not recited in claims 1, 16, 21 and 26. For reasons regarding claims 1, 16, 21 and 26 above, it is respectfully submitted that claims 2-4, 12, 14, 19, 22, 24, 27, and 29 are also distinguishable over the cited *Shoham* and *Sasaki* references.

### CONCLUSION

Applicant has canceled claims 5-10, 15, 20, 25, 30-32. As amended, claims 1-4, 11-14, 16-19, 21-24 and 26-29 are allowable. Early allowance of claims 1-14, 16-19, 21-24 and 26-29 is earnestly solicited.

Respectfully submitted,



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Kenneth Q. Lao  
Attorney for the Applicant  
Registration No. 40,061

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955